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Application Number

09/758,927

Filing Date

1/11/2001

First Named Inventor

Challener et al.

Art Unit

2131

Examiner Name

Kaveh Abrishamkar

Attorney Docket Number

RPS920000084US1 (7036-P142US)

ENCLOSURES (Check all that apply)



Fee Transmittal Form



Fee Attached



Amendment/Reply



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement



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Reply to Missing Parts
under 37 CFR 1.52 or 1.53



Drawing(s)



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Appeal Communication to Board
of Appeals and Interferences



Appeal Communication to TC
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Robert A. Voigt, Jr.

Date

July 28, 2005

Reg. No.

47,159

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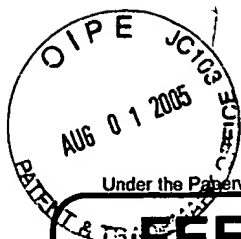
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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 500.00

Complete if Known

Application Number	09/758,927
Filing Date	1/11/2001
First Named Inventor	Challener et al.
Examiner Name	Kaveh Abrishamkar
Art Unit	2131
Attorney Docket No.	RPS920000084US1 (7036-P142US)

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☒ None

☒ Deposit Account:

Deposit
Account
Number
Deposit
Account
Name

50-0563

IBM Corporation

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

SUBTOTAL (1) (\$) 0.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	
Multiple Dependent	-8** =	X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 0.00

**or number previously paid, if greater; for Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for <i>ex parte</i> reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	500.00
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

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SUBTOTAL (3) (\$) 500.00

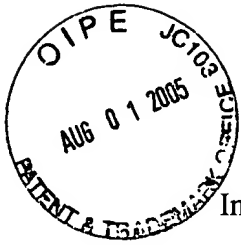
SUBMITTED BY

Name (Print/Type)	Robert A. Voigt, Jr.	Registration No. (Attorney/Agent)	47,159	Telephone	512.370.2832
Signature		Date	July 28, 2005		

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- 1 -

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:	:	Before the Examiner:
Challener et al.	:	Abrishamkar, Kaveh
	:	
Serial No.: 09/758,927	:	Group Art Unit: 2131
	:	
Filing Date: January 11, 2001	:	
	:	
Title: INTERNET APPLIANCE	:	IBM Corporation
INTEGRATING TELEPHONE	:	P.O. Box 12195
FUNCTION SECURITY AND	:	Dept. 9CCA, Bldg. 002-2
GUIDANCE FEATURES	:	Research Triangle Park, NC 27709

APPEAL BRIEF

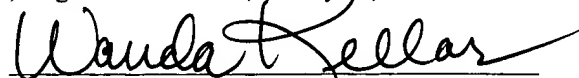
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I. REAL PARTY IN INTEREST

The real party in interest is International Business Machines, Inc., which is the assignee of the entire right, title and interest in the above-identified patent application.

CERTIFICATION UNDER 37 C.F.R. §1.8

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II. RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences known to Appellants, Appellants' legal representative or assignee which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

III. STATUS OF CLAIMS

Claims 2-45 are pending in the Application. Claims 2-45 stand rejected. Claims 2-45 are appealed.

IV. STATUS OF AMENDMENTS

Appellants submitted two amendments filed on June 28, 2005 and July 15, 2005, respectively, after the final rejection. As of the time of filing this Appeal Brief, Appellants have not received an advisory action from the Examiner indicating that these amendments were entered. These amendments place the application in better form for appeal and accordingly Appellants assume that the Examiner entered such amendments pursuant to 37 C.F.R. §1.116 and M.P.E.P. §714.13.

V. SUMMARY OF CLAIMED SUBJECT MATTER

In one embodiment of the present invention, a method of integrating telephony function with security and guidance features on an Internet appliance comprising the step of selecting a communication access number using a selection means, the communication access number operable to access a communication link via the Internet appliance. Specification, page 10, lines 15-21; Figure 1, step 101. The method may further comprise alerting a user of the Internet appliance when an attempt is made to select the communication link via a dialing action of the Internet appliance using the communication access number. Specification, page 10, line 21; Figure 1, step 103. The method may further comprise receiving an authorization for

the dialing action by the user of the Internet appliance. Specification, page 10, line 22 – page 11, line 4; Figure 1, step 104. The method may further comprise using a security protocol for encrypting and decrypting information transmitted on the communication link in response to authorizing the dialing action for the communication link. Specification, page 11, line 6- page 12, line 7; Figure 1, steps 106, 113.

In another embodiment of the present invention, a system for integrating telephony function with security and guidance features on an Internet appliance (IA) may comprise one or more personal identification means (PIM) input units coupled to a system bus in an ICA, the PIM input units operable to generate unique PIM signals. Specification, page 12, line 8 – page 13, line 5; Figure 3, elements 300, 303 and 312. The system may further comprise a security protocol circuit operable to encrypt, decrypt, store and retrieve the PIM signals and device driver code. Specification, page 13, line 2 – page 14, line 9; Figure 3, element 344. The system may further comprise a PIM verification circuit operable to receive the PIM signals and compare them to secure predetermined PIM signals, the PIM verification circuit generating a verification signal. Specification, page 14, line 10 – page 15, line 5; Figure 4, element 405. The system may further comprise one or more Modems coupled to a dialing action controller and to communication lines, the Modems operable to send and receive communication data. Specification, page 14, line 10 – page 15, line 5; Figure 4, elements 402-404, 405 and 406-408. The system may further comprise a dialing action controller (DAC) coupled to the system bus and the Modems, the DAC operable receive a dialing action request and to alert a user of the dialing action and to enable or disable the dialing action to the Modems in response to the verification signal and a user signal. Specification, page 14, line 10 – page 15, line 5; Figure 3, element 312; Figure 4, elements 405 and 406-408.

In another embodiment of the present invention, an Internet appliance may

comprise a central processing unit (CPU). Specification, page 12, line 7 – page 13, line 5; Figure 3, element 310. The Internet appliance may further comprise a read only memory (ROM). Specification, page 12, line 7 – page 13, line 5; Figure 3, element 316. The Internet appliance may further comprise a random access memory (RAM). Specification, page 12, line 7 – page 13, line 5; Figure 3, element 314. The Internet appliance may further comprise a user interface adapter coupled to a keyboard and a mouse. Specification, page 12, line 7 – page 13, line 5; Figure 3, elements 322, 326 and 328. The Internet appliance may further comprise a display interface adapter coupled to a user display. Specification, page 12, line 7 – page 13, line 5; Figure 3, element 336. The Internet appliance may further comprise an I/O interface adapter. Specification, page 12, line 7 – page 13, line 5; Figure 3, element 304. The Internet appliance may further comprise a system bus. Specification, page 12, line 7 – page 13, line 5; Figure 3, element 312. The Internet appliance may further comprise a communication adapter. Specification, page 12, line 7 – page 13, line 5; Figure 3, element 343. The Internet appliance may further comprise a security processor unit. Specification, page 12, line 7 – page 13, line 5; Figure 3, element 344. The security processor unit may further comprise one or more personal identification means (PIM) input units coupled to a system bus in an ICA, the PIM input units operable to generate unique PIM signals. Specification, page 12, line 8 – page 14, line 9; Figure 3, elements 300, 303 and 312; Figure 4, elements 409-411. The security processor unit may further comprise a security protocol circuit operable to encrypt, decrypt, store and retrieve the PIM signals and device driver code. Specification, page 13, line 2 – page 14, line 9; Figure 3, element 344. The security processor unit may further comprise a PIM verification circuit operable to receive the PIM signals and compare them to secure predetermined PIM signals, the PIM verification circuit generating a verification signal. Specification, page 14, line 10 – page 15, line 5; Figure 4, element 405. The security processor unit may further comprise one or more Modems coupled to a dialing action controller and to

communication lines, the Modems operable to send and receive communication data. Specification, page 14, line 10 – page 15, line 5; Figure 4, elements 402-404, 405 and 406-408. The security processor unit may further comprise a dialing action controller (DAC) coupled to the system bus and the Modems, the DAC operable receive a dialing action request and to alert a user of the dialing action and to enable or disable the dialing action to the Modems in response to the verification signal and a user signal. Specification, page 14, line 10 – page 15, line 5; Figure 3, element 312; Figure 4, elements 405 and 406-408.

VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Claims 14, 16-30 and 32-45 stand rejected under 35 U.S.C. §102(e) as being anticipated by Voit et al. (U.S. Patent No. 6,430,275) (hereinafter "Voit"). Claims 2-13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Voit in view of Rao et al. (U.S. Patent No. 6,757,823) (hereinafter "Rao"). Claims 15 and 31 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Voit in view of Gullman et al. (U.S. Patent No. 5,280,527) (hereinafter "Gullman").

VII. ARGUMENT

A. Claims 14, 16-30 and 32-45 are not properly rejected under 35 U.S.C. §102(e) as being anticipated by Voit.

The Examiner has rejected claims 14, 16-30 and 32-45 under 35 U.S.C. §102(e) as being anticipated by Voit. Paper No. 6, page 7. Appellants respectfully traverse these rejections for at least the reasons stated below.

For a claim to be anticipated under 35 U.S.C. §102, each and every claim limitation must be found within the cited prior art reference and arranged as required by the claim. M.P.E.P. §2131.

1. Claims 14 and 30 are not anticipated by Voit.

Appellants respectfully assert that Voit does not disclose "one or more personal identification means (PIM) input units coupled to a system bus in said ICA, said PIM input units operable to generate unique PIM signals" as recited in claim 14. The Examiner cites column 9, lines 44-55; column 13, lines 14-51; column 17, lines 62-65 and column 19, lines 20-26 of Voit as disclosing the above-cited claim limitation. Paper No. 6, page 8. Appellants respectfully traverse and assert that Voit instead discloses that the authorization request is relayed over C3.14 which typically consists of an account number and password provided by the PC User to be authenticated by C3. There is no language in the cited passages that discloses a personal identification means input unit in an Internet appliance. Neither is there any language in the cited passages that discloses a personal identification means input unit coupled to a system bus in an Internet appliance. Instead, the cited passages disclose relaying an authorization request at the network system block or the network provider domain. Thus, Voit does not disclose all of the limitations of claim 14, and thus Voit does not anticipate claim 14. M.P.E.P. §2131.

In response to Appellants' above argument, the Examiner cites column 13, lines 26-29 of Voit as teaching the above-cited claim limitation. Paper No. 6, page 3. Appellants respectfully traverse and assert that Voit instead teaches that the C2 generates the raw usage records which are sent to C3. Column 13, lines 26-27. Voit further teaches that a usage record is not tagged as billable unless the PC application has acknowledged its receipt of a connection establishment message. Column 13, lines 27-29. Voit further teaches that the C2 object may require a user ID and password to be provided by the PC Client software prior to completing a V/IP call. Column 13, lines 29-31. Hence, Voit teaches an object requiring a user ID and password to be provided prior to completing a voice over IP call. There is no language in the cited passage of a personal identification means (PIM) input unit coupled to a system bus in an Internet appliance. Neither is there any language in the cited passage that discloses such a PIM input unit that is operable to generate a

unique PIM signal. Thus, Voit does not disclose all of the limitations of claim 14, and thus Voit does not anticipate claim 14. M.P.E.P. §2131.

Appellants further assert that Voit does not disclose "a security protocol circuit operable to encrypt, decrypt, store and retrieve said PIM signals and device driver code" as recited in claim 14 and similarly in claim 30. The Examiner cites column 9, lines 38-65 of Voit as disclosing the above-cited claim limitation. Paper No. 6, page 8. Appellants respectfully traverse and assert that Voit instead discloses that the authorization request relayed over the C3.14 interface is preferably encrypted and secure. However, there is no language in the cited passage that discloses a circuit operable to decrypt. Neither is there any language in the cited passage that discloses a circuit operable to store a signal generating from a personal identification means input unit in an Internet appliance. Neither is there any language in the cited passage that discloses a circuit operable to retrieve a signal generating from a personal identification means input unit in an Internet appliance. Neither is there any language in the cited passage that discloses a circuit operable to store a device driver code. Neither is there any language in the cited passage that discloses a circuit operable to retrieve a device driver code. Thus, Voit does not disclose all of the limitations of claims 14 and 30, and thus Voit does not anticipate claims 14 and 30. M.P.E.P. §2131.

In response to Appellants' above argument, the Examiner cites column 9, lines 38-55 of Voit as teaching the above-cited claim limitation. Paper No. 6, page 3. Appellants respectfully traverse and assert that Voit instead teaches that the communication through the C3.14 interface is preferably encrypted and secure. Column 9, lines 44-45. There is no language in the cited passage that discloses decrypting. Neither is there any language in the cited passage that discloses storing or retrieving PIM signals and device driver code. Thus, Voit does not disclose all of the limitations of claims 14 and 30, and thus Voit does not anticipate claims 14 and 30. M.P.E.P. §2131.

Appellants further assert that Voit does not disclose "a dialing action controller (DAC) coupled to said system bus and said Modems, said DAC operable receive a dialing action request and to alert a user of said dialing action and to enable or disable said dialing action to said Modems in response to said verification signal and a user signal" as recited in claim 14 and similarly in claim 20. The Examiner cites column 9, lines 56-67; column 13, lines 21-64 and column 18, lines 8-12 of Voit as disclosing the above-cited claim limitation. Paper No. 6, page 9. Appellants respectfully traverse and assert that Voit instead discloses that a C3 object represents a network element required to perform customer authentication, call authorization, usage accounting and usage pricing for a particular PC user's customer account. Column 8, lines 59-62. Voit further discloses that the C3 object evaluates the customer account status to determine if there are multiple connections currently in service. Column 9, lines 56-58. Voit further discloses that the C2 object is able to signal various states of a connection (ringing, busy, etc.) to a PC user. Column 13, lines 21-22. Voit further discloses that the C3 object ensures coordination between user authorization and usage recording for a single PC user's customer account. Column 13, lines 34-37. Voit further discloses that if the authorization was successful, the C2 object will establish the PSTN connection and notify the client software that the call is preceding. Column 18, lines 9-11. Thus, Voit discloses that the C2 object establishes the PSTN connection and notifies the client software that the call is preceding. Voit further discloses a C3 object that represents a network element required to perform customer authentication, call authorization, usage accounting and usage pricing for a particular PC user's customer account. There is no language in the cited passages that discloses a dialing action controller (DAC) coupled to a system bus and to modems. The Examiner had previously cited Figure 9 of Voit as disclosing modems. Paper No. 4, page 6. Upon review of Figure 9 of Voit, Appellants were unable to identify a DAC coupled to a system bus and to the modems. Neither is there any language in the cited passages that discloses a DAC

operable to enable a dialing action to the modems. Neither is there any language in the cited passages that discloses a DAC operable to disable a dialing action to the modems. Neither is there any language in the cited passages that discloses a DAC operable to enable or disable a dialing action to the modems in response to a verification signal and a user signal. Thus, Voit does not disclose all of the limitations of claims 14 and 20, and thus Voit does not anticipate claims 14 and 20. M.P.E.P. §2131.

In response to Appellants' above argument, the Examiner cites column 13, lines 18-21 and 26-29 of Voit as teaching the above-cited claim limitation. Paper No. 6, page 3. Appellants respectfully traverse. Voit instead discloses that when initiating a V/IP call, the PC user may be required to provide the 10 digit E.164 address of the called telephone user, the IP address of the ITG associated with the called telephone user, the PC's IP address, as well as the billing account number and associated password. Column 3, lines 14-20. Voit further discloses that the C2 generates the raw usage records which are sent to C3. Column 13, lines 26-27. Voit further teaches that a usage record is not tagged as billable unless the PC application has acknowledged its receipt of a connection establishment message. Column 13, lines 27-29. Voit further teaches that the C2 object may require a user ID and password to be provided by the PC Client software prior to completing a V/IP call. Column 13, lines 29-31. Hence, Voit teaches an object requiring a user ID and password to be provided prior to completing a voice over IP call. There is no language in the cited passage that discloses a dialing action controller (DAC) coupled to a system bus. Neither is there any language in the cited passage that teaches a dialing action controller (DAC) coupled to a system bus and to modems. Neither is there any language in the cited passages that discloses a DAC operable to enable a dialing action to the modems. Neither is there any language in the cited passages that discloses a DAC operable to disable a dialing action to the modems. Neither is there any language in the cited passages that discloses a DAC operable to enable or disable

a dialing action to the modems in response to a verification signal and a user signal. Thus, Voit does not disclose all of the limitations of claims 14 and 20, and thus Voit does not anticipate claims 14 and 20. M.P.E.P. §2131.

Appellants further assert that Voit does not disclose "a security processor unit, said security processor unit further comprising: one or more personal identification means (PIM) input units coupled to a system bus in said ICA, said PIM input units operable to generate unique PIM signals" as recited in claim 20. The Examiner cites column 9, lines 44-55; column 13, lines 14-51; column 17, lines 62-65 and column 19, lines 20-26 of Voit as disclosing the above-cited claim limitation. Paper No. 6, page 9. Appellants respectfully traverse and assert that Voit instead discloses that that the authorization request is relayed over C3.14 which typically consists of an account number and password provided by the PC User to be authenticated by C3. There is no language in the cited passages that discloses a personal identification means input unit in an Internet appliance. Neither is there any language in the cited passages that discloses a personal identification means input unit coupled to a system bus in an Internet appliance. Instead, the cited passages disclose relaying an authorization request at the network system block or the network provider domain. Thus, Voit does not disclose all of the limitations of claim 20, and thus Voit does not anticipate claim 20. M.P.E.P. §2131.

In response to Appellants' above argument, the Examiner cites column 13, lines 26-29 of Voit as teaching the above-cited claim limitation. Paper No. 6, page 4. Appellants respectfully traverse and assert that Voit instead teaches that the C2 generates the raw usage records which are sent to C3. Column 13, lines 26-27. Voit further teaches that a usage record is not tagged as billable unless the PC application has acknowledged its receipt of a connection establishment message. Column 13, lines 27-29. Voit further teaches that the C2 object may require a user ID and password to be provided by the PC Client software prior to completing a V/IP call.

Column 13, lines 29-31. Hence, Voit teaches an object requiring a user ID and password to be provided prior to completing a voice over IP call. There is no language in the cited passage of a personal identification means (PIM) input unit coupled to a system bus in an Internet appliance. Neither is there any language in the cited passage that discloses such a PIM input unit that is operable to generate a unique PIM signal. Thus, Voit does not disclose all of the limitations of claim 14, and thus Voit does not anticipate claim 14. M.P.E.P. §2131.

2. Claims 16-29 and 32-45 are not anticipated by Voit for at least the reasons that claim 1 is not anticipated by Voit.

Claims 16-29 depend from claim 14, and hence claims 16-29 are not anticipated by Voit for at least the reasons that claim 14 is not anticipated by Voit as discussed above in Section (A)(1). Furthermore, claims 32-45 depend from claim 30, and hence claims 32-45 are not anticipated by Voit for at least the reasons that claim 30 is not anticipated by Voit as discussed above in Section (A)(1).

3. Claims 16 and 32 are not anticipated by Voit.

Appellants respectfully assert that Voit does not disclose "a digital subscriber line (DSL) Modem" as recited in claim 16 and similarly in claim 32. The Examiner cites element 344 of Figure 4 and Figure 9 of Voit as disclosing the above-cited claim limitation. Paper No. 6, page 13. Appellants respectfully traverse and assert that Voit simply discloses a modem. However, there is no language that discloses a digital subscriber line modem. Thus, Voit does not disclose all of the limitations of claims 16 and 32, and thus Voit does not anticipate claims 16 and 32. M.P.E.P. §2131.

In response to Appellants' above argument, the Examiner, as understood by Appellants, asserts that it is well known in the art to have a digital subscriber line modem. Paper No. 6, page 5. Hence, the Examiner appears to be admitting that Voit does not disclose all of the limitations of claims 16 and 31 and hence has not

established a *prima facie* case of anticipation in rejecting claims 16 and 31. M.P.E.P. §2131. The Examiner appears to be effectively rejecting claims 16 and 31 as being unpatentable over Voit. While it may be well known in the art today to have a digital subscriber line modem, the Examiner must provide a motivation or suggestion for modifying Voit to include a digital subscriber line modem in order to establish a *prima facie* case of obviousness in rejecting claims 16 and 31. M.P.E.P. §2143.

4. Claims 17 and 33 are not anticipated by Voit.

Appellants respectfully assert that Voit does not disclose "a wireless cellular modem" as recited in claim 17 and similarly in claim 33. The Examiner cites element 344 of Figure 4 and Figure 9 of Voit as disclosing the above-cited claim limitation. Paper No. 6, page 13. Appellants respectfully traverse and assert that Voit simply discloses a modem. However, there is no language that discloses a wireless cellular modem. Thus, Voit does not disclose all of the limitations of claims 17 and 33, and thus Voit does not anticipate claims 17 and 33. M.P.E.P. §2131.

In response to Appellants' above argument, the Examiner, as understood by Appellants, asserts that it is well known in the art to have a wireless cellular modem. Paper No. 6, page 5. Hence, the Examiner appears to be admitting that Voit does not disclose all of the limitations of claims 17 and 33 and hence has not established a *prima facie* case of anticipation in rejecting claims 17 and 33. M.P.E.P. §2131. The Examiner appears to be effectively rejecting claims 17 and 33 as being unpatentable over Voit. While it may be well known in the art today to have a wireless cellular modem, the Examiner must provide a motivation or suggestion for modifying Voit to include a wireless cellular modem in order to establish a *prima facie* case of obviousness in rejecting claims 17 and 33. M.P.E.P. §2143.

5. Claims 18 and 34 are not anticipated by Voit.

Appellants respectfully assert that Voit does not disclose "a wireless personal communication system (PCS) modem" as recited in claim 18 and similarly in claim 34. The Examiner cites element 344 of Figure 4 and Figure 9 of Voit as disclosing the above-cited claim limitation. Paper No. 6, page 14. Appellants respectfully traverse and assert that Voit simply discloses a modem. However, there is no language that discloses a wireless personal communication system modem. Thus, Voit does not disclose all of the limitations of claims 18 and 34, and thus Voit does not anticipate claims 18 and 34. M.P.E.P. §2131.

In response to Appellants' above argument, the Examiner, as understood by Appellants, asserts that it is well known in the art to have a wireless personal communication system modem. Paper No. 6, page 5. Hence, the Examiner appears to be admitting that Voit does not disclose all of the limitations of claims 18 and 34 and hence has not established a *prima facie* case of anticipation in rejecting claims 18 and 34. M.P.E.P. §2131. The Examiner appears to be effectively rejecting claims 18 and 34 as being unpatentable over Voit. While it may be well known in the art today to have a wireless personal communication modem, the Examiner must provide a motivation or suggestion for modifying Voit to include a wireless personal communication system modem in order to establish a *prima facie* case of obviousness in rejecting claims 18 and 34. M.P.E.P. §2143.

6. Claims 19 and 35 are not anticipated by Voit.

Appellants respectfully assert that Voit does not disclose "a cable modem" as recited in claim 19 and similarly in claim 35. The Examiner cites element 344 of Figure 4 and Figure 9 of Voit as disclosing the above-cited claim limitation. Paper No. 6, page 14. Appellants respectfully traverse and assert that Voit simply discloses a modem. However, there is no language that discloses a cable modem. Thus, Voit does not disclose all of the limitations of claims 19 and 35, and thus Voit does not anticipate claims 19 and 35. M.P.E.P. §2131.

In response to Appellants' above argument, the Examiner, as understood by Appellants, asserts that it is well known in the art to have a cable modem. Paper No. 6, page 5. Hence, the Examiner appears to be admitting that Voit does not disclose all of the limitations of claims 19 and 35 and hence has not established a *prima facie* case of anticipation in rejecting claims 19 and 35. M.P.E.P. §2131. The Examiner appears to be effectively rejecting claims 19 and 35 as being unpatentable over Voit. While it may be well known in the art today to have a digital subscriber line modem, the Examiner must provide a motivation or suggestion for modifying Voit to include a digital subscriber line modem in order to establish a *prima facie* case of obviousness in rejecting claims 19 and 35. M.P.E.P. §2143.

7. Claims 20 and 36 are not anticipated by Voit.

Appellants respectfully assert that Voit does not disclose "a public subscriber telephone network (PSTN) modem" as recited in claim 20 and similarly in claim 36. The Examiner cites element 344 of Figure 4 and Figure 9 of Voit as disclosing the above-cited claim limitation. Paper No. 6, page 14. Appellants respectfully traverse and assert that Voit simply discloses a modem. However, there is no language that discloses a public subscriber telephone network modem. Thus, Voit does not disclose all of the limitations of claims 20 and 36, and thus Voit does not anticipate claims 20 and 36. M.P.E.P. §2131.

In response to Appellants' above argument, the Examiner, as understood by Appellants, asserts that it is well known in the art to have a public subscriber telephone network modem. Paper No. 6, page 5. Hence, the Examiner appears to be admitting that Voit does not disclose all of the limitations of claims 20 and 36 and hence has not established a *prima facie* case of anticipation in rejecting claims 20 and 36. M.P.E.P. §2131. The Examiner appears to be effectively rejecting claims 20 and 36 as being unpatentable over Voit. While it may be well known in the art today to have a public subscriber telephone network modem, the Examiner must provide a

motivation or suggestion for modifying Voit to include a public subscriber telephone network modem in order to establish a *prima facie* case of obviousness in rejecting claims 20 and 36. M.P.E.P. §2143.

8. Claims 24 and 40 are not anticipated by Voit.

Appellants further assert that Voit does not disclose "wherein said user is given an option of communicating on an established communication link in response to an authorized and enabled dialing action using said security protocol" as recited in claim 24 and similarly in claim 40. The Examiner cites column 18, lines 9-33 of Voit as disclosing the above-cited claim limitation. Paper No. 6, page 15. Appellants respectfully traverse and assert that Voit instead discloses that after a call has been established, the PC will respond to the network that it recognizes that a connection has been established. The user of PC is not, however, provided an option of communicating on an established communication link in response to an authorized and enabled dialing action. Neither is the user of the PC provided an option of communicating on an established communication link in response to an authorized and enabled dialing action using a security protocol. Thus, Voit does not disclose all of the limitations of claims 24 and 40, and thus Voit does not anticipate claims 24 and 40. M.P.E.P. §2131.

9. Claims 25 and 41 are not anticipated by Voit.

Appellants respectfully assert that Voit does not disclose "using a built-in key escrow function to notify a trusted server of a current dynamic host configuration protocol (DHCP) assigned IP address along with a key indicating authenticity of transmission so that voice over IP services between devices and a web page server lookup may be performed in a DHCP environment without side-channel communication for call or web reference look-up" as recited in claim 25 and similarly in claim 41. The Examiner cites column 17, lines 55-61 of Voit as disclosing the

above-cited claim limitation. Paper No. 6, page 12. Appellants respectfully traverse and assert that Voit instead discloses a user initiating a call via the PC's V/IP software. There is no language in the cited passage that discloses using a built-in key escrow function. Neither is there any language in the cited passage that discloses using a built-in key escrow function to notify a trusted server of a current dynamic host configuration protocol (DHCP) assigned IP address. Neither is there any language in the cited passage that discloses using a built-in key escrow function to notify a trusted server of a current dynamic host configuration protocol (DHCP) assigned IP address along with a key indicating authenticity of transmission. Neither is there any language in the cited passage that discloses using a built-in key escrow function to notify a trusted server of a current dynamic host configuration protocol (DHCP) assigned IP address along with a key indicating authenticity of transmission so that voice over IP services between devices and a web page server lookup may be performed in a DHCP environment without side-channel communication for call or web reference look-up. Thus, Voit does not disclose all of the limitations of claims 25 and 41, and thus Voit does not anticipate claims 25 and 41. M.P.E.P. §2131.

10. Claims 26 and 42 are not anticipated by Voit.

Appellants respectfully assert that Voit does not disclose "entering a communication access number via a keyboard keypad, a virtual display keypad, or by clicking a "hot spot" on a Web page" as recited in claim 26 and similarly in claim 42. The Examiner cites column 9, lines 44-55; column 13, lines 14-51; column 17, lines 62-65 and column 19, lines 20-26 of Voit as disclosing the above-cited claim limitation. Paper No. 6, page 16. Appellants respectfully traverse and assert that Voit instead discloses relaying an authorization request over C3.14 which typically consists of an account number and a password provided by the PC user to be authenticated by the C3 object. There is no language in the cited passages that discloses entering a communication access number via a keyboard keypad. Neither is

there any language in the cited passages that discloses entering a communication access number via a virtual display keypad. Neither is there any language in the cited passages that discloses entering a communication access number by clicking a "hot spot" on a Web page. Thus, Voit does not disclose all of the limitations of claims 26 and 42, and thus Voit does not anticipate claims 26 and 42. M.P.E.P. §2131.

In response to Appellants' above argument, the Examiner, as understood by Appellants, asserts that it is well known in the art to enter a communication access number via a keyboard keypad, a virtual display keypad, or by clicking a "hot spot" on a web page. Paper No. 6, page 5. Hence, the Examiner appears to be admitting that Voit does not disclose all of the limitations of claims 26 and 42 and hence has not established a *prima facie* case of anticipation in rejecting claims 26 and 42. M.P.E.P. §2131. The Examiner appears to be effectively rejecting claims 26 and 42 as being unpatentable over Voit. While it may be well known in the art today to enter a communication access number via a keyboard keypad, a virtual display keypad, or by clicking a "hot spot" on a web page, the Examiner must provide a motivation or suggestion for modifying Voit to enter a communication access number via a keyboard keypad, a virtual display keypad, or by clicking a "hot spot" on a web page in order to establish a *prima facie* case of obviousness in rejecting claims 26 and 42. M.P.E.P. §2143.

11. Claims 28 and 44 are not anticipated by Voit.

Appellants respectfully assert that Voit does not disclose "wherein said user is alerted of said dialing action whether said dialing action was initiated locally or remote by another user" as recited in claim 28 and similarly in claim 44. The Examiner cites column 9, lines 56-67; column 13, lines 21-64 and column 18, lines 8-12 of Voit as disclosing the above-cited claim limitation. Paper No. 6, page 17. Appellants respectfully traverse and assert that Voit instead discloses that the C3 object evaluates the customer account status to determine if there are multiple

connections currently in service. Voit further discloses that the C3 object ensures coordination between the user authorization and usage recording for a single PC user's customer account. Voit further discloses that the C2 object will establish the PSTN connection if authorization was successful and notify the client software that the call is proceeding. However, the user is not alerted of a dialing action initiated locally or remotely by another user. Instead, the user is notified of establishing a connection after authorization was successful. Thus, Voit does not disclose all of the limitations of claims 28 and 44, and thus Voit does not anticipate claims 28 and 44. M.P.E.P. §2131.

12. Claims 29 and 45 are not anticipated by Voit.

Appellants respectfully assert that Voit does not disclose "wherein DAC monitors incoming communication access numbers and directs communication to a answering or recording device or forwards the communication to another communication link in response to comparing said incoming communication access numbers to a predetermined, stored communication access numbers list" as recited in claim 29 and similarly in claim 45. The Examiner cites column 7, lines 39-58; column 12, line 64 – column 13, line 20 and column 19, lines 22-27 of Voit as disclosing the above-cited claim limitation. Paper No. 6, page 17. Appellants respectfully traverse and assert that Voit instead discloses an Internet telephony gateway that communicates with a PC user to establish a PC to telephone call. There is no language in the cited passages that discloses monitoring incoming communication access numbers and directing communication to an answering or recording device. Neither is there any language in the cited passages that discloses monitoring incoming communication access numbers and forwarding the communication to another communication link in response to comparing the incoming communication access numbers to a predetermined, stored communication

access numbers list. Thus, Voit does not disclose all of the limitations of claims 29 and 45, and thus Voit does not anticipate claims 29 and 45. M.P.E.P. §2131.

B. Claims 2-13 are not properly rejected under 35 U.S.C. §103(a) as being unpatentable over Voit in view of Rao.

The Examiner has rejected claims 2-13 under 35 U.S.C. §103(a) as being unpatentable over Voit in view of Rao. Appellants respectfully traverse these rejections for at least the reasons stated below.

1. Voit and Rao, taken singly or in combination, do not teach or suggest the following claim limitations.

a. Claim 3 is patentable over Voit in view of Rao.

Appellants respectfully assert that Voit and Rao, taken singly or in combination, do not teach or suggest "using said security protocol for encrypting and decrypting information transmitted on said communication link in response to authorizing said dialing action for said communication link" as recited in claim 3. The Examiner cites column 4, lines 18-35 of Rao as teaching a secure registration process used that exchanges information between calling endpoints. Paper No. 6, page 22. The Examiner further cites Figure 3 of Rao as teaching encrypting information transmitted on a communication link. Paper No. 6, page 5. Appellants respectfully traverse. Rao instead teaches that under the present invention, H.323 gateways perform a secure registration process in which they exchange information among themselves or with a translation server associated with the IP network. Column 4, lines 19-22. Rao further teaches that the essence of the information exchanged includes encryption algorithms and public key data. Column 4, lines 22-24. Rao further teaches that Figure 3 is a message flow diagram illustrating secure H.323 VoIP call messaging. Column 2, lines 22-24. Hence, Rao teaches exchanging encryption algorithms and public key data between H.323 gateways or between an

H.323 gateway and a translation server. There is no language in the cited passage that teaches using a security protocol for encrypting and decrypting information on a communication link in response to authorizing a dialing action for the communication link. Therefore, the Examiner has not presented a *prima facie* case of obviousness in rejecting claim 3, since the Examiner is relying upon an incorrect, factual predicate in support of the rejection. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

- b. Claims 2 and 4-13 are patentable over Voit in view of Rao for at least the reasons that claim 1 is patentable over Voit in view of Rao.

Claims 2 and 4-13 depend from claim 3 and hence are patentable over Voit in view of Rao for at least the reasons that claim 1 is patentable over Voit in view of Rao as discussed above in Section (B)(1).

- c. Claim 2 is patentable over Voit in view of Rao.

Voit and Rao, taken singly or in combination, do not teach or suggest "prompting said user to enter a user personal identification means (PIM) in response to selecting said communication access number" as recited in claim 2. The Examiner cites column 9, lines 44-55; column 13, lines 14-51; column 17, lines 62-65 and column 19, lines 20-26 of Voit as teaching the above-cited claim limitation. Paper No. 6, page 10. Appellants respectfully traverse and assert that Voit instead teaches that the authorization request is relayed over C3.14 which typically consists of an account number and password provided by the PC User to be authenticated by C3. There is no language in the cited passages that teaches prompting a user to enter a user identification means. Neither is there any language in the cited passages that teaches prompting a user to enter a user identification means in response to selecting a communication access number. Therefore, the Examiner has not presented a *prima facie* case of obviousness in rejecting claim 2, since the Examiner is relying upon an

incorrect, factual predicate in support of the rejection. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

In response to Appellants' above argument, the Examiner cites column 13, lines 26-29 of Voit as teaching the above-cited claim limitation. Paper No. 6, page 4. Appellants respectfully traverse and assert that Voit instead teaches that the C2 generates the raw usage records which are sent to C3. Column 13, lines 26-27. Voit further teaches that a usage record is not tagged as billable unless the PC application has acknowledged its receipt of a connection establishment message. Column 13, lines 27-29. Voit further teaches that the C2 object may require a user ID and password to be provided by the PC Client software prior to completing a V/IP call. Column 13, lines 29-31. Hence, Voit teaches requiring a user ID and password prior to completing a V/IP call. However, there is no language in the cited passage that teaches prompting a user to enter a user identification means. Neither is there any language in the cited passages that teaches prompting a user to enter a user identification means in response to selecting a communication access number. Therefore, the Examiner has not presented a *prima facie* case of obviousness in rejecting claim 2, since the Examiner is relying upon an incorrect, factual predicate in support of the rejection. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

Appellants further assert that Voit and Rao, taken singly or in combination, do not teach or suggest "initiating a pre-determined security protocol to retrieve a corresponding secure PIM for comparison" as recited in claim 2. The Examiner cites column 9, lines 38-55 of Voit as teaching the above-cited claim limitation. Paper No. 6, page 10. Appellants respectfully traverse and assert that Voit instead teaches that the C3 object is invoked during a call when an authorization request is relayed over the interface C3.14. There is no language in the cited passage that teaches initiating a pre-determined security protocol. Neither is there any language in the cited passage that teaches initiating a pre-determined security protocol to retrieve a corresponding

secure personal identification means for comparison. Therefore, the Examiner has not presented a *prima facie* case of obviousness in rejecting claim 2, since the Examiner is relying upon an incorrect, factual predicate in support of the rejection. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

Appellants further assert that Voit and Rao, taken singly or in combination, do not teach or suggest "retrieving secure device driver code for executing said dialing action using said security protocol in response to said authorization" as recited in claim 2. The Examiner has not cited any passage in either Voit or Rao as teaching the above-cited claim limitation. Appellants respectfully remind the Examiner that the Examiner bears the initial burden and must submit objective evidence and not rely on his own subjective opinion in support of a *prima facie* case of obviousness. *In re Oetiker*, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992). The Examiner must provide a reference or combination of references that teaches or suggests all of the claim limitations in order to establish a *prima facie* case of obviousness. M.P.E.P. §2143. Therefore, the Examiner has not presented a *prima facie* case of obviousness in rejecting claim 2, since the Examiner is relying upon an incorrect, factual predicate in support of the rejection. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

Appellants further assert that Voit and Rao, taken singly or in combination, do not teach or suggest "executing said dialing action using said device driver code for said communication link in response to said authorization and a user response to said connectivity cost alert" as recited in claim 2. The Examiner cites column 18, lines 9-33 of Voit as teaching the above-cited claim limitation. Paper No. 6, page 11. Appellants respectfully traverse and assert that Voit instead teaches that if authorization was successful, the C2 object will establish the PSTN connection and notify the client software that the call is preceding. Voit further teaches that the C2 object may also pass on to the calling PC the pricing information obtained from the C3 object. Voit further teaches that the C2 object will continue to update the client

software with call establishment information as the call is proceeding and may also pass along to the caller a running account of the cost of the call. Voit further teaches that after the call has been established, the PC will respond to the network that it recognizes that a connection has been established, timing of the call's duration can be initiated, and any usage measurements will indicate that the call is billable. There is no language in the cited passage that teaches executing a dialing action using a device driver code for a communication link. Neither is there any language in the cited passage that teaches executing a dialing action using a device driver code for a communication link in response to authorization and a user response to the connectivity cost alert. Instead, Voit teaches that the PC responds after the call has been established. That is, Voit teaches establishing a call without a response from the user of the PC with respect to the pricing information passed along to the caller. Therefore, the Examiner has not presented a *prima facie* case of obviousness in rejecting claim 2, since the Examiner is relying upon an incorrect, factual predicate in support of the rejection. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

d. Claim 5 is patentable over Voit in view of Rao.

Appellants respectfully assert that Voit and Rao, taken singly or in combination, do not teach or suggest "wherein said PIM is used to grant or block access to certain area or country telephony codes" as recited in claim 5. The Examiner cites column 17, line 66 – column 18, line 8 of Voit as teaching the above-cited claim limitation. Paper No. 6, page 11. Appellants respectfully traverse and assert that Voit instead teaches that the C2 object invokes the C3 object in order to receive authorization to proceed with the call. There is no language in the cited passage that teaches that a personal identification means is used to grant or block access to a certain area code. Neither is there any language in the cited passage that teaches that a personal identification means is used to grant or block access to a certain country telephony code. Therefore, the Examiner has not presented a *prima*

facie case of obviousness in rejecting claim 5, since the Examiner is relying upon an incorrect, factual predicate in support of the rejection. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

e. Claim 6 is patentable over Voit in view of Rao.

Appellants respectfully assert that Voit and Rao, taken singly or in combination, do not teach or suggest "matching said communication access number with an actual system entered communication access number" as recited in claim 6. The Examiner cites column 7, lines 39-58; column 12, line 64 – column 13, line 20 and column 19, lines 22-27 of Voit as teaching the above-cited claim limitation. Paper No. 6, page 11. Appellants respectfully traverse and assert that Voit instead teaches that an Internet telephony gateway communicate with a PC user to establish a PC to a telephone call. There is no language in the cited passages that teaches matching a communication access number with a system entered communication access number. Instead, Voit teaches establishing a telephone call but does not match the phone number of the telephone call with a system entered communication access number. Therefore, the Examiner has not presented a *prima facie* case of obviousness in rejecting claim 6, since the Examiner is relying upon an incorrect, factual predicate in support of the rejection. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

f. Claim 7 is patentable over Voit in view of Rao.

Appellants respectfully assert that Voit and Rao, taken singly or in combination, do not teach or suggest "monitoring an incoming call for a caller ID" as recited in claim 7. The Examiner cites Figure 7 and column 17, lines 22-31 of Voit as teaching the above-cited claim limitation. Paper No. 6, page 11. Appellants respectfully traverse and assert that Voit instead teaches a high level call flow of signaling messages. There is no language in the cited passage that teaches monitoring an incoming call for a caller ID. Therefore, the Examiner has not presented a *prima*

facie case of obviousness in rejecting claim 7, since the Examiner is relying upon an incorrect, factual predicate in support of the rejection. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

In response to Appellants' above argument, the Examiner, as understood by Appellants, asserts that it is well known in the art to monitor an incoming call for a caller ID. Paper No. 6, page 5. While it may be well known in the art today to monitor an incoming call for a caller ID, the Examiner must provide a motivation or suggestion for modifying Voit and Rao to monitor an incoming call for a caller ID in order to establish a *prima facie* case of obviousness in rejecting claims 26 and 42. M.P.E.P. §2143. Since the Examiner has not provided such motivation or suggestion, the Examiner has not established a *prima facie* case of obviousness in rejecting claims 26 and 42. M.P.E.P. §2143.

Appellants further assert that Voit and Rao, taken singly or in combination, do not teach or suggest "answering and routing said incoming call to a receiving device on the basis of said incoming telephone number" as recited in claim 7. The Examiner cites Figure 7 and column 17, lines 22-31 of Voit as teaching the above-cited claim limitation. Paper No. 6, page 12. Appellants respectfully traverse and assert that Voit instead teaches a high level call flow of signaling messages. There is no language in the cited passage that teaches answering an incoming call and routing the incoming call to a receiving device. Neither is there any language in the cited passage that teaches answering an incoming call and routing the incoming call to a receiving device on the basis of the incoming telephone number. Therefore, the Examiner has not presented a *prima facie* case of obviousness in rejecting claim 7, since the Examiner is relying upon an incorrect, factual predicate in support of the rejection. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

g. Claim 8 is patentable over Voit in view of Rao.

Appellants respectfully assert that Voit and Rao, taken singly or in combination, do not teach or suggest "using a built-in key escrow function to notify a trusted server of a current dynamic host configuration protocol (DHCP) assigned IP address along with a key indicating authenticity of transmission so that voice over IP services between devices and a web page server lookup may be performed in a DHCP environment without side-channel communication for call or web reference look-up" as recited in claim 8. The Examiner cites column 17, lines 55-61 of Voit as teaching the above-cited claim limitation. Paper No. 6, page 12. Appellants respectfully traverse and assert that Voit instead teaches a user initiating a call via the PC's V/IP software. There is no language in the cited passage that teaches using a built-in key escrow function. Neither is there any language in the cited passage that teaches using a built-in key escrow function to notify a trusted server of a current dynamic host configuration protocol (DHCP) assigned IP address. Neither is there any language in the cited passage that teaches using a built-in key escrow function to notify a trusted server of a current dynamic host configuration protocol (DHCP) assigned IP address along with a key indicating authenticity of transmission. Neither is there any language in the cited passage that teaches using a built-in key escrow function to notify a trusted server of a current dynamic host configuration protocol (DHCP) assigned IP address along with a key indicating authenticity of transmission so that voice over IP services between devices and a web page server lookup may be performed in a DHCP environment without side-channel communication for call or web reference look-up. Therefore, the Examiner has not presented a *prima facie* case of obviousness in rejecting claim 8, since the Examiner is relying upon an incorrect, factual predicate in support of the rejection. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

h. Claim 9 is patentable over Voit in view of Rao.

Appellants respectfully assert that Voit and Rao, taken singly or in combination, do not teach or suggest "wherein activating said selected communication access number comprises selecting said communication access number from a displayed Internet web page hot spot" as recited in claim 9. The Examiner cites column 17, lines 41-44 of Voit as teaching the above-cited claim limitation. Paper No. 6, page 12. Appellants respectfully traverse and assert that Voit instead teaches that the customer will launch their V/IP application, either as a plug-in to an existing browser or as a stand-alone application. There is no language in the cited passage that teaches selecting a communication access number from a displayed Internet web page hot spot. Therefore, the Examiner has not presented a *prima facie* case of obviousness in rejecting claim 9, since the Examiner is relying upon an incorrect, factual predicate in support of the rejection. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

i. Claim 10 is patentable over Voit in view of Rao.

Appellants respectfully assert that Voit and Rao, taken singly or in combination, do not teach or suggest "wherein said communication access number is selected using an actual or virtual keypad of said Internet appliance" as recited in claim 10. The Examiner cites column 9, lines 44-55; column 13, lines 14-51; column 17, lines 62-65 and column 19, lines 20-26 of Voit as teaching the above-cited claim limitation. Paper No. 6, page 13. Appellants respectfully traverse and assert that Voit instead teaches that the authorization request relayed over C3.14 typically consists of an account number and password provided by the PC User to be authenticated by the C3 object. There is no language in the cited passages that teaches selecting a communication access number using an actual or virtual keypad. Neither is there any language in the cited passages that teaches selecting a communication access number using an actual or virtual keypad of an Internet appliance. Therefore, the Examiner has not presented a *prima facie* case of obviousness in rejecting claim 10, since the

Examiner is relying upon an incorrect, factual predicate in support of the rejection. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

j. Claim 13 is patentable over Voit in view of Rao.

Appellants respectfully assert that Voit and Rao, taken singly or in combination, do not teach or suggest "wherein said communication link comprises a concurrent communication link for an Internet and a telephone connection" as recited in claim 13. The Examiner cites column 8, lines 24-32 and Figure 3 of Voit as teaching the above-cited claim limitation. Paper No. 6, page 13. Appellants respectfully traverse. Appellants respectfully direct the Examiner's attention to Figure 1B of Voit which illustrates separate connections to circuit switched network 108 and IP routed network 106 instead of a concurrent communication link. Therefore, the Examiner has not presented a *prima facie* case of obviousness in rejecting claim 13, since the Examiner is relying upon an incorrect, factual predicate in support of the rejection. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

2. The Examiner has not presented a source of motivation for combining Voit with Rao.

The Examiner admits that Voit does not teach "using a security protocol for encrypting and decrypting information transmitted on said communication link in response to authorizing said dialing action for said communication link" as recited in claim 3. Paper No. 6, page 22. The Examiner modifies Voit with Rao to include this limitation in order "to achieve a secure and encrypted communication line between two parties." Paper No. 6, page 22. The Examiner continues by stating that "[t]his authentication would allow for not only the security of the communication lines against hackers, but also allows for the repudiation of the calling parties. Paper No. 6, page 22. The motivation to modify Voit with Rao must come from one of three possible sources: the nature of the problem to be solved, the teachings of the prior art,

and the knowledge of persons of ordinary skill in the art. *In re Rouffet*, 149 F.3d 1350, 1357, 47 U.S.P.Q.2d 1453, 1457-58 (Fed. Cir. 1998). The Examiner has not provided any evidence that his motivation comes from any of these sources. Instead, the Examiner is relying upon his own subjective opinion which is insufficient to support a *prima facie* case of obviousness. *In re Lee*, 61 U.S.P.Q.2d 1430, 1434 (Fed. Cir. 2002). Consequently, the Examiner's motivation is insufficient to support a *prima facie* case of obviousness for rejecting claims 2-13. *Id.*

C. Claims 15 and 31 are not properly rejected under 35 U.S.C. §103(a) as being unpatentable over Voit in view of Gullman.

The Examiner has rejected claims 15 and 31 under 35 U.S.C. §103(a) as being unpatentable over Voit in view of Gullman. Paper No. 6, page 23. Appellants respectfully traverse these rejections for at least the reasons stated below.

1. Voit and Gullman, taken singly or in combination, do not teach or suggest the following claim limitations.

Appellants respectfully assert that Voit and Gullman, taken singly or in combination, do not teach or suggest "wherein said authorization unit comprises: a smart card reader; a biometric input unit; a personal identification number input unit; and a voice recognition input unit" as recited in claim 15 and similarly in claim 31. The Examiner asserts that column 9, lines 44-55; column 13, lines 14-51; column 17, lines 62-65 and column 19, lines 20-26 of Voit teaches a personal identification number input unit. Paper No. 6, page 24. The Examiner further asserts that Gullman teaches a smart card reader, a biometric input unit and a voice recognition unit though does not cite to any particular passage in Gullman. Paper No. 6, page 24. Appellants respectfully traverse that Voit and Gullman, taken together, teach a smart card reader. Appellants performed a search of the phrase "smart card reader" in Voit and Gullman and were unable to identify the phrase "smart card reader" or any variation thereof. The Examiner cites the Abstract of Gullman as teaching "an integrated circuit card"

and concludes that Gullman teaches a smart card reader. Appellants respectfully request the Examiner to provide a basis in fact and/or technical reasoning to conclude that the teaching of an integrated circuit card in Gullman is equivalent to a smart card reader. *See Ex parte Levy*, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990). That is, the Examiner must provide extrinsic evidence that must make clear that the teaching of an integrated circuit card in Gullman is equivalent to a smart card reader, and that it be so recognized for persons of ordinary skill. *See In re Robertson*, 169 F.3d 743, 745, 49 U.S.P.Q.2d 1949, 1950-51 (Fed. Cir. 1999). Since the Examiner has not provided such evidence, the Examiner has not presented a *prima facie* case of obviousness in rejecting claims 15 and 31. M.P.E.P. §2131. Therefore, the Examiner has not presented a *prima facie* case of obviousness in rejecting claims 15 and 31, since the Examiner is relying upon an incorrect, factual predicate in support of the rejection. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

2. The Examiner has not presented a source of motivation for combining Voit with Gullman.

The Examiner states that the motivation to modify Voit with Gullman to incorporate the limitations of claims 15 and 31 is to increase individual security by precluding a hacker who gained access to the account number and password to feign that he is the actual user and place unauthorized calls. Paper No. 6, page 24. The motivation to modify Voit with Gullman must come from one of three possible sources: the nature of the problem to be solved, the teachings of the prior art, and the knowledge of persons of ordinary skill in the art. *In re Rouffet*, 149 F.3d 1350, 1357, 47 U.S.P.Q.2d 1453, 1457-58 (Fed. Cir. 1998). The Examiner has not provided any evidence that his motivation comes from any of these sources. Instead, the Examiner is relying upon his own subjective opinion which is insufficient to support a *prima facie* case of obviousness. *In re Lee*, 61 U.S.P.Q.2d 1430, 1434 (Fed. Cir. 2002). Consequently, the Examiner's motivation is insufficient to support a *prima facie* case of obviousness for rejecting claims 15 and 31. *Id.*

3. Claims 15 and 31 depend from claims 14 and 30, respectively, and hence are allowable for at least the reasons that claims 14 and 30 are allowable.

Appellants further note that claims 15 and 31 depend from claims 14 and 30, respectively. Claims 15 and 31 are allowable for at least the reasons that claims 14 and 30, respectively, are allowable as stated above in Section A.

VIII. CONCLUSION

For the reasons noted above, the rejections of claims 2-45 are in error. Appellants respectfully request reversal of the rejections and allowance of claims 2-45.

Respectfully submitted,

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APPENDIX

2. The method of claim 3 wherein said authorization comprises the sub steps of:
prompting said user to enter a user personal identification means (PIM) in response to selecting said communication access number;

initiating a pre-determined security protocol to retrieve a corresponding secure PIM for comparison;

correlating said user personal identification means with said secure PIM;

authorizing or rejecting said dialing action in response to said correlation;

retrieving secure device driver code for executing said dialing action using said security protocol in response to said authorization;

displaying, if said dialing action is authorized, a connectivity cost alert for said communication link; and

executing said dialing action using said device driver code for said communication link in response to said authorization and a user response to said connectivity cost alert.

3. A method of integrating telephony function with security and guidance features on an Internet appliance comprising the steps of:

selecting a communication access number using a selection means, said communication access number operable to access a communication link via said Internet appliance;

alerting a user of said Internet appliance when an attempt is made to select said communication link via a dialing action of said Internet appliance using said communication access number;

receiving an authorization for said dialing action by said user of said Internet appliance; and

using a security protocol for encrypting and decrypting information transmitted on said communication link in response to authorizing said dialing action

for said communication link.

4. The method of claim 3, wherein said security protocol is a Public/Private key encryption protocol.

5. The method of claim 3, wherein a PIM is used to grant or block access to certain area or country telephony codes.

6. The method of claim 3, further comprising the step of:
matching said communication access number with an actual system entered communication access number.

7. The method of claim 3, further comprising the steps of:
monitoring an incoming call for a caller ID; and
answering and routing said incoming call to a receiving device on the basis of said incoming telephone number.

8. The method of claim 3, further comprising the step of:
using a built-in key escrow function to notify a trusted server of a current dynamic host configuration protocol (DHCP) assigned IP address along with a key indicating authenticity of transmission so that voice over IP services between devices and a web page server lookup may be performed in a DHCP environment without side-channel communication for call or web reference look-up.

9. The method of claim 3, wherein activating said selected communication access number comprises selecting said communication access number from a displayed Internet web page hot spot.

10. The method of claim 3, wherein said communication access number is

selected using an actual or virtual keypad of said Internet appliance.

11. The method of claim 3, wherein said communication link comprises a non-concurrent shared dial-up public switched telephone network (PSTN) connection between a telephone connection and an Internet connection.

12. The method of claim 3, wherein said communication link has separate connections for an Internet connection and a telephone connection.

13. The method of claim 3, wherein said communication link comprises a concurrent communication link for an Internet and a telephone connection.

14. A system for integrating telephony function with security and guidance features on an Internet appliance (IA):

- one or more personal identification means (PIM) input units coupled to a system bus in an ICA, said PIM input units operable to generate unique PIM signals;

- a security protocol circuit operable to encrypt, decrypt, store and retrieve said PIM signals and device driver code;

- a PIM verification circuit operable to receive said PIM signals and compare them to secure predetermined PIM signals, said PIM verification circuit generating a verification signal;

- one or more Modems coupled to a dialing action controller and to communication lines; said Modems operable to send and receive communication data; and

- a dialing action controller (DAC) coupled to said system bus and said Modems, said DAC operable receive a dialing action request and to alert a user of said dialing action and to enable or disable said dialing action to said Modems in response to said verification signal and a user signal.

15. The system of claim 14, wherein an authorization unit comprises:
 - a smart card reader;
 - a biometric input unit;
 - a personal identification number input unit; and
 - a voice recognition input unit.
16. The system of claim 14, wherein a Modem of said Modems comprises:
 - a digital subscriber line (DSL) Modem.
17. The system of claim 14, wherein a Modem of said Modems comprises:
 - a wireless cellular modem.
18. The system of claim 14, wherein a Modem of said Modems comprises:
 - a wireless personal communication system (PCS) modem.
19. The system of claim 14, wherein a Modem of said Modems comprises:
 - a cable Modem.
20. The system of claim 14, wherein a Modem of said Modems comprises a public subscriber telephone network (PSTN) Modem.
21. The system of claim 14, wherein said DAC alerts said user of a dialing action by display on a user display screen coupled to said IA.
22. The system of claim 14, wherein said DAC retrieves a connectivity cost and alerts said user of a connectivity cost associated with a requested dialing action if said dialing action is authorized.
23. The system of claim 14, wherein said user signal is a response by said user to

a connectivity cost alert for said dialing action.

24. The system of claim 14, wherein said user is given an option of communicating on an established communication link in response to an authorized and enabled dialing action using a security protocol.

25. The system of claim 14, wherein said DAC uses a built-in key escrow function to notify a trusted server of a current dynamic host configuration protocol (DHCP) assigned IP address along with a key indicating authenticity of transmission so that voice over IP services between devices and a web page server lookup may be performed in a DHCP environment without side-channel communication for call or web reference look-up.

26. The system of claim 14, wherein said dialing action request comprises:
entering a communication access number via a keyboard keypad, a virtual display keypad, or by clicking a "hot spot" on a Web page.

27. The system of claim 14, wherein said connectivity cost alert notifies a user of an actual toll call cost for a communication link corresponding to said authorized and enabled dialing action.

28. The system of claim 14, wherein said user is alerted of said dialing action whether said dialing action was initiated locally or remote by another user.

29. The system of claim 14, wherein DAC monitors incoming communication access numbers and directs communication to a answering or recording device or forwards the communication to another communication link in response to comparing said incoming communication access numbers to a predetermined, stored communication access numbers list.

30. An Internet appliance, comprising:
- a central processing unit (CPU);
 - a read only memory (ROM);
 - a random access memory (RAM);
 - a user interface adapter coupled to a keyboard and a mouse;
 - a display interface adapter coupled to a user display;
 - an I/O interface adapter;
 - a system bus;
 - a communication adapter; and
 - a security processor unit,
- said security processor unit further comprising:
- one or more personal identification means (PIM) input units coupled to a system bus in an ICA, said PIM input units operable to generate unique PIM signals;
 - a security protocol circuit operable to encrypt, decrypt, store and retrieve said PIM signals and device driver code;
 - a PIM verification circuit, said PIM verification circuit operable to receive said PIM signals and compare them to secure predetermined PIM signals, said PIM verification circuit generating a verification signal;
 - one or more Modems coupled to a dialing action controller and to communication lines, said Modems operable to send and receive communication data; and
 - a dialing action controller (DAC) coupled to said system bus and said Modems, said DAC operable receive a dialing action request and to alert a user of said dialing action and to enable or disable said dialing action to said Modems in response to said verification signal and a user signal.
31. The Internet appliance of claim 30, wherein a PIM input unit of said PIM input units comprises:
- a smart card reader;

a biometric input unit;
a personal identification number input unit; and
a voice recognition input unit

32. The Internet appliance of claim 30, wherein said Modem comprises:
a digital subscriber line (DSL) Modem.
33. The Internet appliance of claim 30, wherein a Modem of said Modems comprises:
a wireless cellular modem.
34. The Internet appliance of claim 30, wherein a Modem of said Modems comprises:
a wireless personal communication system (PCS) modem.
35. The Internet appliance of claim 30, wherein a Modem of said Modems comprises a cable Modem.
36. The Internet appliance of claim 30, wherein a Modem of said Modems comprises a public subscriber telephone network (PSTN) Modem.
37. The Internet appliance of claim 30, wherein said DAC alerts said user of a dialing action by display on a user display screen coupled to said IA.
38. The Internet appliance of claim 30, wherein said DAC retrieves a connectivity cost and alerts said user of a connectivity cost associated with a requested dialing action if said dialing action is authorized.
39. The Internet appliance of claim 30, wherein said user signal is a response by

said user to a connectivity cost alert for said dialing action.

40. The Internet appliance of claim 30, wherein said user is given an option of communicating on an established communication link in response to an authorized and enabled dialing action using data encryption.

41. The Internet appliance of claim 30, wherein said DAC uses a built-in key escrow function to notify a trusted server of a current dynamic host configuration protocol (DHCP) assigned IP address along with a key indicating authenticity of transmission so that voice over IP services between devices and a web page server lookup may be performed in a DHCP environment without side-channel communication for call or web reference look-up.

42. The Internet appliance of claim 30, wherein said dialing action request comprises:

entering a communication access number via a keyboard keypad, a virtual display keypad, or by clicking a "hot spot" on a Web page.

43. The Internet appliance of claim 30, wherein said connectivity cost alert notifies a user of an actual toll call cost for a communication link corresponding to said authorized and enabled dialing action.

44. The Internet appliance of claim 30, wherein said user is alerted of said dialing action whether said dialing action was initiated locally or remote by another user.

45. The Internet appliance of claim 30, wherein DAC monitors incoming communication access numbers and directs communication to a answering or recording device or forwards the communication to another communication link in response to comparing said incoming communication access numbers to a

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predetermined, stored communication access numbers list.

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